

These Statutes are understood of great and notorious riots. And the record of the riot within view of the justices by whom it is made is conclusive, the parties not being allowed to traverse it, however little ground there is to affirm that any riot at all was committed, or however innocent the parties may in fact be, though if the justices do not pursue the Statute, the accused may take advantages of any insufficiency in the record, such as uncertainty in the time and place of the offence, and the number of persons concerned, and such other circumstances of the fact, and the record is conclusive only as to the riot, and not as to any charge therein of a felony, &c., committed by the party convicted. The sheriff must be a party to the inquisition where it is taken, and in such case, the offenders ought to be immediately sent to gaol, till they pay the fine assessed by the justices making the record, for no other justices can assess it, or the justices may record the riot, commit the offenders, and certify the record to the next (with us) County Court. If the rioters disperse before conviction, the sheriff need not be a party, but the justices may by themselves inquire by a jury, and the riot being found, they are to make a record of it, and fine the rioters, or receive their traverse to be sent by them to the next County Court, to be tried according to law; see 1 Hawk. P. C. 302 *et seq*; Dalt. 200 *et seq*. If the justices neglect to make the inquisition within a month after a riot, they are liable to the penalty for not doing it within the time, but their authority is not determined to make an inquisition afterwards, Ingram's case, 2 Salk. 592; S. C. 1 Ld. Raym. 215.

The following is the form of a record of a riot on view of the justices:

—————County to wit:

Be it remembered that on the — day of, &c., We, A. and B., Esquires, two justices of the State of Maryland, assigned to keep the peace in the County of, &c., aforesaid, and C., Esquire, then sheriff of the said county, upon the complaint and humble supplication of D. of —, in the county aforesaid, in our own proper persons have come to the mansion house of said D. in &c., in the county aforesaid, and then and there do find E. of &c., and F. and G. of &c., in the county aforesaid, and other malefactors and disturbers of the peace of the said State of Maryland to us unknown, to the number of — persons, armed with swords, staves, &c., unlawfully, riotously, and routously assembled at the said house, and the same house besetting, threatening great damage to the said D., to the disturbance of the peace of the said State of Maryland, and terror of the people of the said State, against the form of the Statute, &c. And therefore we, the said A. and B., do then and there cause the said E. F. and G. to be arrested and carried to the next jail of the said State of Maryland in the county aforesaid, by our view and record being convicted of the unlawful assembly, riot and rout aforesaid, there to remain every and each of them respectively, until they shall severally and respectively have paid to the said State of Maryland the several sums of \$50 each, which we do impose upon them, and every of them, separately, for their said offences. In witness whereof we have set our seals to this our present record, dated at, &c., aforesaid, the day and year above mentioned.